

09/510038

Remarks

Reconsideration of the rejection of the subject matter of claims 1-16 is requested.

Claims 1-16 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. In particular, Examiner objected to the term "positioned" as indefinite.

While applicants disagree that there is any ambiguity in the claims, claims 1, 10, 11, 12 and 13 have all been amended to provide further structure to the claimed subject matter. In particular, the surface (32) of the channel is spaced from the face (24) of the light emitting device (22) and positioned to receive only a portion (34) of the light from the face. (See, e.g., Fig 2.) In addition, the surface is oriented at an angle (θ) to the face to reflect the portion away from the photodetector (13) so that the photodetector receives primarily direct light (35) from the light emitting device. (See also, Specification at page 4, lines 2-8.)

Thus, it is submitted that the independent claims include all the structure needed to define the invention. The surfaces are formed in a substrate (21) at a position spaced from a face of a light emitting device mounted over the substrate. This positioning is such as to receive a portion of the light from the face and the angle of the surface is such as to reflect that portion away from a photodetector so that the photodetector receives only direct light from the light emitting device.

Thus, it is submitted that the 112 rejection has been overcome.

Claims 1-4, 11, and 12 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,236,669 issued to Nakanishi et al. Nakanishi illustrates in Fig 8 a laser diode and photodiode module which includes a notch (93) formed in the substrate, and a WDM filter (95) formed on one surface of the notch. Examiner contends that the surface on which the filter is formed receives a portion of the face light so that a portion of the face light is reflected from the photodetector and the photodetector receives primarily direct light from the face.

It is submitted that the changes to the independent claims should aid in distinguishing over Nakanishi et al. First, it does not appear that the photodetector (96) of Nakanishi et al receives any light from the face of the light emitting device (98) mounted over the substrate as presently claimed. Rather, the light is transmitted through a fiber (94) to some other device. (See, e.g., col. 5, line 65 to col. 6, line 1.) It is only light from some other device that is reflected by the filter (95) in the notch (93). Further, the filter and notch of Nakanishi et al receives and transmits all of the light (1.3 microns) from the device (98), or receives and reflects all of the light (1.55 microns) from some other device. (See, e.g., col. 5, line 65 to col. 6, line 4.) The groove is not positioned to receive only a portion of the light from a device and oriented at an angle to reflect that portion away as presently claimed so that the photodetector receives direct light from the face.

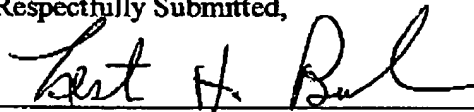
09/510038

It is submitted, therefore, that the Nakanishi et al reference neither teaches nor renders obvious the claimed invention, and claims 1,10,11,12, and 13 should be allowable. All other claims are dependent upon one of these claims, and should be allowable without the need for further discussion.

Applicants' attorney wishes to thank the Examiner for the many courtesies extended during their phone conversations. While no agreement was reached, Examiner's time and effort are appreciated.

Passage to issue is requested.

Respectfully Submitted,



Lester H. Birnbaum
Reg. No. 25830
Attorney for Applicants
610-530-9166

Dated: 8/13/13